

FILED
CHARLES D. SUSANO III

IN THE CIRCUIT COURT FOR KNOX COUNTY, TENNESSEE

CHARLENE "CHERIE" DUKAS,
12247 Mossy Point Way
Knoxville, TN 37922

Plaintiff

VS.

COSTCO WHOLESALE CORPORTATION,
300 Montvue Road
Knoxville, TN 37934

Defendant

Agent for Service of Process:
CT Corporation System
10745 Kingston Pike
Knoxville, TN 37919-5546

2021 SEP -3 PM 1:40

KNOX COUNTY CIRCUIT,
CIVIL SESSIONS
AND JUVENILE COURTS

NO.: 2-217-21

COMPLAINT

Comes now the Plaintiff, CHARLENE "CHERIE" DUKAS, and sues the Defendants, COSTCO WHOLESALE CORPORATION, for cause of action would show unto this Honorable Court as follows:

1. The Plaintiff is a citizen and resident of Knox County, Tennessee, and the Defendant is an established business located at 10745 Kingston Pike, Knoxville, Tennessee 37934, and the accident causing this action occurred at that address in Knox County, Tennessee.
2. At all times relevant to this action, the Defendants were the owners and operators of a self- service retail facility in Knoxville, Tennessee.
3. Plaintiff would show to the Court that on or about the 24th day of September, 2020, just before noon, the Plaintiff stopped at the Defendants store for the purpose of shopping. As the Plaintiff came close to the entrance, she slipped on a transparent soap substance that she has not

EXHIBIT

seen previous. Defendant's employee was washing the shopping carts at the door to the store. As the Plaintiff laid on the ground, she saw that the canister and wand used for washing the shopping carts was allowing water with a soap or disinfectant substance to run onto the floor surface of the entire area, thus causing a slippery surface. There were no rugs or wet surface signs there to alert her.

4. The Plaintiff's fall, resulting from the cleaning liquid and subsequent accumulation, caused the Plaintiff to suffer serious and permanent injuries including, but not limited to back and head, eye problems and including a detachment in one eye, headaches, right leg and hip knee injury with great pain and anguish, and will permanently continue to do so as a result of the aforementioned injuries.

5. The Plaintiff was an invitee of the Defendants by virtue of the fact that Plaintiff entered the Defendants property to conduct business that would have been of a pecuniary value of the Defendant. Defendant's negligence and actions were the direct and proximate cause for the injuries sustained by the Plaintiff.

6. The Defendants owed the Plaintiff a duty of reasonable care for the protection for the Plaintiff, which the Defendants negligently failed to do by causing a slippery substance to be on the entrance to their facility. The Defendants knew or should have known about the dangerous, slippery condition of the substance poured out the entrance of their place of business, yet they made no attempt to warn the Plaintiff or other patrons of the business of the existing dangerous conditions. Defendant was negligent in their duty of care to the plaintiff, and that proximately caused plaintiff to suffer the injuries and damages alleged herein.

7. Based upon the foregoing allegations contained in this Complaint, Plaintiff brings suit to recover a judgement against the Defendants in the amount of One Hundred Thousand (\$100,000.00) Dollars.

WHEREFORE, the Plaintiff demands the following:

1. That proper process issue and be served upon the Defendants and that the

Defendant be required to appear and answer the Complaint within the time required by law.

2. That Plaintiff be awarded a judgement against the Defendant, in the amount of One Hundred Thousand (\$100,000.00) Dollars.

3. That costs of this action be awarded to Plaintiff.

4. That a jury of twelve persons be impaneled to try this case.

5. Such further and other general relief to which Plaintiff may be entitled.

This the 3 day of September, 2021.




H. ALLEN BRAY
Plaintiff

H. ALLEN BRAY
Attorney at Law
Creekwood Professional Park
1501 East Lamar Alexander Parkway
Maryville, TN 37804
(865) 984-8383
B.P.R. #: 00729

COST BOND

We, the undersigned, hereby acknowledge myself as surety for the costs in this cause in accordance with T.C.A. §20-12-120.



H. ALLEN BRAY
Attorney for Plaintiff

IN THE CIRCUIT COURT FOR KNOX COUNTY, TENNESSEE

FILED
CHARLES D. SUSANO III
CLERK

2021 SEP -3 PM 1:41

KNOX COUNTY CIRCUIT,
CIVIL SESSIONS
AND JUVENILE COURTS

CHARLENE "CHERIE" DUKAS,
12247 Mossy Point Way
Knoxville, TN 37922

Plaintiff

VS.

NO.: 2-217-21

COSTCO WHOLESALE CORPORTATION,
300 Montvue Road
Knoxville, TN 37934

Defendant

Agent for Service of Process:
CT Corporation System
10745 Kingston Pike
Knoxville, TN 37919-5546

SUMMONS

To the above-named Defendant:

COSTCO WHOLESALE CORPORTATION
C/o CT Corporation System
10745 Kingston Pike
Knoxville, TN 37919-5546

You are hereby summoned and required to serve upon H. Allen Bray, Plaintiff's attorney, whose address is Creekwood Professional Park, 1501 East Lamar Alexander Parkway, Maryville, Tennessee 37804, a true copy of the Answer to the Complaint that is herewith served upon you, within 30 days after service of this Summons and Complaint upon you, exclusive of the date of service. You will file the original with the Court. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint.

Issued this 3 day of September, 2021, at 141 o'clock P.m.

CLERK

Charles D. Susano III

By:

Am J Dobbin



ADA

FOR ASSISTANCE CALL

865 / 215-2952

TTY: 865 / 215-2497

Deputy Clerk

(This summons is issued pursuant to Rule 4 of the Tennessee Rules of Civil Procedure).

NOTICE

Tennessee law provides a Four Thousand Dollar (\$4,000.00) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. This list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effected as to any execution or garnishment issued prior to the filing the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

RETURN

I received this Summons on the _____ day of _____, 2021.

I hereby certify and return that on the _____ day of _____, 2021, I:

[] served this Summons together with the Complaint as follows: _____

[] failed to serve this Summons within 30 days after its issuance because: _____

PROCESS SERVER

10847

FILED
CHARLES D. SUSANO III
CLERK

IN THE CIRCUIT COURT FOR KNOX COUNTY, TENNESSEE

CHARLENE "CHERIE" DUKAS,
12247 Mossy Point Way
Knoxville, TN 37922

Plaintiff

VS.

COSTCO WHOLESALE CORPORTATION,
300 Montvue Road
Knoxville, TN 37934

Defendant

Agent for Service of Process:
CT Corporation System
10745 Kingston Pike
Knoxville, TN 37919-5546

2021 SEP -3 PM 1:41

KNOX COUNTY CIRCUIT,
CIVIL SESSIONS
AND JUVENILE COURTS

NO.: 2-217-21

SUMMONS

To the above-named Defendant:

COSTCO WHOLESALE CORPORTATION
C/o CT Corporation System
10745 Kingston Pike
Knoxville, TN 37919-5546

You are hereby summoned and required to serve upon H. Allen Bray, Plaintiff's attorney, whose address is Creekwood Professional Park, 1501 East Lamar Alexander Parkway, Maryville, Tennessee 37804, a true copy of the Answer to the Complaint that is herewith served upon you, within 30 days after service of this Summons and Complaint upon you, exclusive of the date of service. You will file the original with the Court. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint.

Issued this 3 day of September, 2021, at 14 o'clock P.m.

CLERK

Charles D. Susano III

By:

Angie Dobbin



ADA

FOR ASSISTANCE CALL

865 / 215-2952

TTY: 865 / 215-2497

Deputy Clerk

(This summons is issued pursuant to Rule 4 of the Tennessee Rules of Civil Procedure).

NOTICE

Tennessee law provides a Four Thousand Dollar (\$4,000.00) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. This list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effected as to any execution or garnishment issued prior to the filing the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

RETURN

I received this Summons on the _____ day of _____, 2021.

I hereby certify and return that on the _____ day of SEP 14, 2021, I:

☐ served this Summons together with the Complaint as follows:

Costco Wholesale Corporation

REFUSED
TO SIGN

☐ failed to serve this Summons within 30 days after its issuance because: _____

N. Baird 2525 LLXW

PROCESS SERVER

FILED
CHARLES D. SUSANO III
CLERK
2021 SEP 14 AM 8:58
KNOX COUNTY CIRCUIT,
CIVIL SESSIONS
AND JUVENILE COURTS

FILED
CHARLES D. SUSANO III
CLERK

IN THE CIRCUIT COURT FOR KNOX COUNTY, TENNESSEE
AT KNOXVILLE

KNOX COUNTY CIRCUIT,
CIVIL SESSIONS
AND JUVENILE COURTS

CHARLENE "CHERIE" DUKAS,

Plaintiff,

vs.

COSTCO WHOLESALE CORPORATION,

Defendant.

Civil Action No. 2-217-21

JURY DEMANDED

NOTICE OF REMOVAL TO UNITED STATES DISTRICT COURT

TO: Charles D Susano, III, Circuit Court Clerk
M-30 City-County Bldg.
400 Main Ave.
Knoxville, TN 37902

Notice is hereby given that this cause, which was formerly Docket No. 2-217-21 in the Circuit Court for Knox County, Tennessee, has been removed to the United States District Court for the Eastern District of Tennessee at Knoxville, and that the Circuit Court for Knox County, Tennessee is to proceed no further therein. You will find herewith a copy of the Notice of Removal which has been filed in said United States District Court.

Please promptly acknowledge receipt and filing of this Notice and said copy of the Notice of Removal in your office by completing and signing the Certificate at the bottom of this Notice, an extra copy of which is enclosed for this purpose. When you have completed and signed the Certificate, please return a copy of this Notice to the offices of Leitner, Williams, Dooley & Napolitan, PLLC, 900 S. Gay Street, Suite 1800, Knoxville, TN, Attention: Brad A. Fraser.

RECEIPT

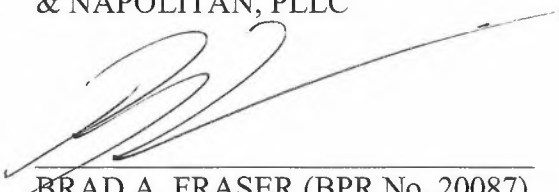
I, _____, Circuit Court Clerk for Knox County, Tennessee, do hereby acknowledge receipt of the above Notice and papers referred to therein, and certify that I have on the date and hour below stated, filed the said copy of the Notice of Removal of this cause to the United States District Court in my office at Knoxville, Tennessee.

This _____ day of _____, 2021, at _____ o'clock _____.m.

By: _____
CLERK

Respectfully submitted,

LEITNER, WILLIAMS, DOOLEY
& NAPOLITAN, PLLC

BY: 
BRAD A. FRASER (BPR No. 20087)
Attorney for Defendant
Costco Wholesale Corporation
900 South Gay Street
Suite 1800 – Riverview Tower
Knoxville, Tennessee 37902
(865) 523-0404

CERTIFICATE OF SERVICE

I, the undersigned attorney, do hereby certify that the foregoing document has been delivered to all counsel for parties at interest in this cause by placing a true and correct copy of same in the United States Mail, postage prepaid, in a properly addressed envelope, to each such attorney as follows:

Attorney for Plaintiff
H. Allen Bray
Creekwood Professional Park
1501 E. Lamar Alexander Parkway
Maryville, TN 37804

This the 17th day of September 2021.

LEITNER, WILLIAMS, DOOLEY
& NAPOLITAN, PLLC

BY: _____

BRAD A. FRASER

FILED
CHARLES D. SUSANO III
CLERK

IN THE CIRCUIT COURT FOR KNOX COUNTY, TENNESSEE
AT KNOXVILLE

2021 SEP 17 PM 2:02

KNOX COUNTY CIRCUIT,
CIVIL SESSIONS
AND JUVENILE COURTS

CHARLENE "CHERIE" DUKAS,

Plaintiff,

vs.

COSTCO WHOLESALE CORPORATION,

Defendant.

Civil Action No. 2-217-21

JURY DEMANDED

NOTICE OF REMOVAL TO PLAINTIFF'S ATTORNEY

TO: H. Allen Bray
Creekwood Professional Park
1501 E. Lamar Alexander Parkway
Maryville, TN 37804

Notice is hereby given that Defendant Costco Wholesale Corporation in the above-styled cause, heretofore filed in the Circuit Court for Knox County, Tennessee, has this day filed in the District Court for the Eastern District of Tennessee at Knoxville, a Notice of Removal of said cause from said State Court to the said District Court. This Defendant has attached to the Notice of Removal a copy of all pleadings filed at the time of the Notice of Removal. A copy of the Notice of Removal is attached hereto and served herewith as Exhibit A.

Respectfully submitted,

LEITNER, WILLIAMS, DOOLEY
& NAPOLITAN, PLLC

BY: 

BRAD A. FRASER (BPR No. 20087)

Attorney for Defendant

Costco Wholesale Corporation

900 South Gay Street

Suite 1800 – Riverview Tower

Knoxville, Tennessee 37902

(865) 523-0404

CERTIFICATE OF SERVICE

I, the undersigned attorney, do hereby certify that the foregoing document has been delivered to all counsel for parties at interest in this cause by placing a true and correct copy of same in the United States Mail, postage prepaid, in a properly addressed envelope, to each such attorney as follows:

Attorney for Plaintiff

H. Allen Bray

Creekwood Professional Park

1501 E. Lamar Alexander Parkway

Maryville, TN 37804

This the 17th day of September 2021.

LEITNER, WILLIAMS, DOOLEY
& NAPOLITAN, PLLC

BY: 

BRAD A. FRASER